

BENCH-I

**NATIONAL COMPANY LAW TRIBUNAL  
KOLKATA BENCH  
KOLKATA**

C.P. No.27(kol)/2009

**Present: Hon'ble Member (J) Shri Vijai Pratap Singh  
Hon'ble Member (J) Shri Jinan K.R**

**ATTENDANCE-CUM-ORDER SHEET OF THE HEARING ON 21<sup>st</sup> November 2017, 10.30 A.M**

Name of the Company		Rajkishore Shaw & Anr-Versus-Vishal Gases Pvt.Ltd & Ors	
Under Section		397/398	
Sl. No.	Name & Designation of Authorized Representative (IN CAPITAL LETTERS)	Appearing on behalf of	Signature with date

1. ANJMESH PAUL } P-122  
2. MAHENDRA PRASAD GUPTA }  
Animesh Paul  
Advocate  
21/11/17.

1. SUDIP DEB, Adv  
2. P. BISHWAL, Adv  
3. SHATANIK GHOSH, Adv } RESPONDENT  
Shatanik Ghosh  
21/11/17

**ORDER**

Ld. Counsel for the petitioners and the respondents are present.

It appears that by an order dated 02/09/2011 and 16/10/2012 the then Company Law Board has passed the following orders:

*"02/09/2011 - At the request of the parties in this case, this Bench, in the light of the respective affidavits filed by P-1 & R-2, hereby appoints Shri Sarbajit Datta, Chartered Engineer & Valuer of 5, Kiran Shankar Roy Road, 2<sup>nd</sup> floor, Room No. 6 Kolkata 700001, as Valuer to prepare the valuation report over the assets and properties of the respondent company, without taking in consideration the alienations said to have been held after filing of the main petition, so that the assets and properties of the company to be divided on 50:50 basis between P-1 & R-2 by taking note of all liabilities of the company. The remuneration of the Valuer and other incidental expenses, if any, as may be charged by the Valuer are to be borne and met by P-1 & R-2 equally. The valuer shall submit his report (in duplicate) on or before 11-11-2011."*

*"16/10/2012 - Ld. Counsel for sides are present. Both of them agreed to the valuation as contained in the report submitted by the valuer. The valuer is not present today. Since the parties are ready to go ahead with the valuation report and at their request the matter is posted on 14.12.2012 at 2:30 P.M."*

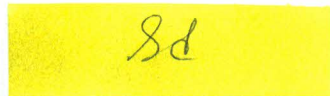
On perusal of the above orders and in view of the settlement between the parties recorded by orders dated

02/09/2011 and 16/10/2012 there is no question of reopening the issue and this Court has no jurisdiction to review the orders passed on 02/09/2011 and 16/10/2012, which are still in force since the same has been accepted by both the parties.

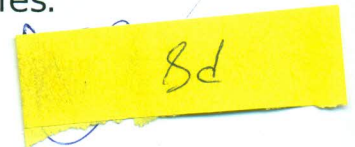
However, valuer is directed to proceed further for compliance of the order dated 02/09/2011.

List **22/02/2018** for further order.

Urgent certified copy of the order be issued, if applied for, upon compliance of all requisite formalities.



(Jinan K.R.)  
Member (J)



(V.P.Singh)  
Member (J)